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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,794	09/22/2003	Paul D. Eckstedt	533	4092

24113 7590 12/07/2005

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EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/668,794		ECKSTEDT, PAUL D.	
	Examiner		Art Unit	
	Eric Culbreth		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The examiner acknowledges the status inquiries filed between 2/16/05 and 7/1/05, and apologizes for not responding, as the Office no longer makes the examiners aware that status inquiries have been filed. The power of attorney filed 2/4/04 is recorded in the electronic file and appears to the examiner to have been processed into the system. Following is an action on the merits.

Specification

2. The disclosure is objected to because of the following informalities:
- a. On page 1, line 12 "either" is not understood (no alternatives are given).
 - b. On page 3, line 1 "he" should be "the".
 - c. On page 3, line 2 "reduce" should be "reduces".
 - d. On page 3, line 15 "hatch" should be "hatches".
 - e. On page 4, line 12, it is awkward wording to recite the compartment as "mounted".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachle (US Patent 2,854,085) in view of Sharp (US Patent 2,413,792).

Bachle discloses a vehicle comprising an engine compartment 14 located at an outer rear corner (i.e. 14 is a rear compartment including the outer corner and enclosing engines 25, 26), the engine compartment formed by a bulkhead or hull wall 12 that separates a personnel area 15, shielding a crew from the engine as functionally recited. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bachle to include the engine compartment being open from at least one side such that the engine(s) contained in the engine compartment is accessible as taught by Sharp hinged body portion 15 covering the engine E in order to obtain ready access for repair (Sharp, column 1, lines 12-30, column 2, lines 3-15)(claim 1). In the combination Sharp's door 15 would have a lateral and rear side, as it would be the entire rear corner over Bachle's rear engine (claims 2-3). Bachle's engine 25 or 26 has some vertical dimension and hence a vertical orientation as broadly recited, and would reduce an amount of space required for the engine as functionally recited (as opposed to if the engine(s) were taller or stacked one on top of the other, for instance)(claim 5). Regarding claims 6-8, in the combination both of Sharp's body portions 15 are access doors that would have rear and lateral sides (note these are twin bonnets 10 hinged at Sharp, column 3, lines 30-35).

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richardson et al (US Patent 5,192,108) discloses corner compartments with doors.

Roeder et al (US Patent 2,397,809) shows a military vehicle with a rear engine and hatch.

Carlson (US Patent 4,319,653) shows swinging engine access doors.

DE004140508A1 shows in Figure 11 a rear engine access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Culbreth
Primary Examiner
Art Unit 3616



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